

H.R. 1396, an act making certain regulations with reference to fertilizers or seeds that may be distributed by agencies of the United States.

§ 18.3 The President informed the House that he had withheld his approval of numerous bills during an adjournment to a day certain.

On July 26, 1948,⁽¹⁷⁾ there were received in the House during a period of adjournment several messages from the President announcing his disapproval of numerous bills.

The Congress had adjourned on June 19, 1948, pursuant to House Concurrent Resolution 218, until Dec. 31, 1948. The President's memoranda of disapproval of each of these bills were dated July 2, 1948, more than 10 days (excluding Sunday) after the Congress had adjourned.⁽¹⁸⁾

§ 19. Proposals for Item Veto

There is no express authority under the Constitution for the

17. 94 CONG. REC. 9368-73, 80th Cong. 2d Sess.

18. See House bills 851, 1733, 1779, 3499, 1910, 4199, 4590, 6184, and 6818 in *Calendars of the United States House of Representatives and History of Legislation*, final edition, 80th Cong. (1947-1948).

President to approve part of a bill and disapprove another part of the same measure. However, agitation for such authority occasionally has arisen when measures have been presented to the President for his approval which included unrelated provisions, some of which did not have the President's endorsement or support. Members have offered amendments attempting to include a clause in a bill granting the President a veto power with respect to an item in that bill,⁽¹⁹⁾ though the constitutionality of such a proposal has not been determined, but general executive authority to disapprove only part of a bill does not exist. Numerous constitutional amendments have been introduced in the past to grant the President item veto authority, but these proposals have not been adopted.⁽²⁰⁾ Suggestions have also been made that the Congress address, legislatively, the definition of the term "bill" as used in the Constitution.

Item Veto and Executive Authority

§ 19.1 To an authorization bill for public works, an amend-

19. See §§ 19.1, 19.2, *infra*.

20. Charles J. Zinn, *The Veto Power of the President*, House Committee on the Judiciary, 82d Cong. 2d Sess. (Committee Print 1951), p. 34.

ment vesting item veto power in the President was held to be germane and in order.

On Mar. 11, 1958,⁽¹⁾ Mr. Donald E. Tewes, of Wisconsin, offered an amendment to the bill (S. 497) authorizing certain public works on rivers and harbors for purposes of navigation. The amendment gave the President authority to veto certain items provided for in the bill, as follows:

Sec. 211. For the purpose of disapproval by the President, each paragraph of each of the preceding sections, shall be considered a bill within the meaning of article I, section 7, of the Constitution of the United States, and each such paragraph which is disapproved shall not become law unless repassed in accordance with the provisions of section 7, article I, of the Constitution relating to the repassage of a bill disapproved by the President.

Mr. Frank E. Smith, of Mississippi, raised a point of order against the amendment on the ground that such language is entirely out of order on any type of legislation since there is no provision in the Constitution for an item veto. The Chair⁽²⁾ responded:

. . . The Chair does not pass upon constitutional questions. The amendment seems to be pertinent to the bill

and relates to the bill. Therefore, the Chair overrules the point of order.

§ 19.2 To an appropriation bill, an amendment proposing to give the President item veto power was held to be legislation and not in order.

On May 14, 1953⁽³⁾ Mr. Franklin D. Roosevelt, Jr., of New York, proposed an amendment to the Treasury and Post Office Appropriation Act of 1954 (H.R. 5174) giving the President item veto power over each separate appropriation in the bill.

Mr. Gordon Canfield, of New Jersey, raised the point of order against the amendment that it was legislation on an appropriation bill.

The Chairman⁽⁴⁾ sustained the point of order on the grounds that the amendment was legislation upon an appropriation bill.

Mr. Roosevelt then offered an amendment stating that each section or item of appropriation in the bill shall be deemed a separate bill for purposes of approval or disapproval by the President.

Mr. Canfield then raised the same point of order that this point of order that this amendment was legislation on appropriation bill.

1. 104 CONG. REC. 4020, 85th Cong. 2d Sess.

2. Howard W. Smith (Va.).

3. 99 CONG. REC. 4939, 4940, 83d Cong. 1st Sess.

4. Louis E. Graham (Pa.).

The Chairman sustained the point of order for that same reason.

§ 20. Return of Vetoed Bills

The Constitution provides, in article I, section 7, clause 2, that if the President does not sign a bill presented to him “. . . he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.”

It is the usual rule that when a vetoed bill is received in the House from the President, the House proceeds at once to consider it. When a veto message is laid before the House the question of passage is considered as pending⁽⁵⁾ and a quorum is required to be present to consider the question.⁽⁶⁾

Presentation of Veto Message to the house

§ 20.1 When a bill is vetoed and returned to the House

5. See 7 Cannon's Precedents §§ 1097–1099.

6. *Id.* at § 1094.

with the President's objections, the veto message is laid before the House, read by the Clerk, and the objections spread at large on the Journal.

On May 28, 1948,⁽⁷⁾ the Speaker pro tempore⁽⁸⁾ laid before the House the veto message of President Harry Truman on the bill (H.R. 1308) for the relief of H. C. Biering, the message having been received in the House on the previous day shortly before adjournment. The message was read by the Clerk and the President's veto spread on the Journal. By unanimous consent, the bill and the message were referred to the Committee on the Judiciary.

Announcement as to Receipt of Veto Message

§ 20.2 Parliamentarian's Note: Where there are veto messages on the Speaker's desk, he may announce that fact so that the Record and Journal will show the receipt of the messages and to notify the Members that consideration thereof is pending.

7. 94 CONG. REC. 6697, 80th Cong. 2d Sess.

8. Charles A. Halleck (Ind.).